

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC. APPLICATION No. 3268 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

NATHABHAI MADHABHAI HARIJAN

Versus

STATE OF GUJARAT

Appearance:

MR YS LAKHANI for Petitioners
MR BY MANKAD APP for Respondent No. 1

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 01/09/98

ORAL JUDGEMENT

Rule. Mr. B.Y Mankad, learned APP for the State waives service of Rule.

2. Heard learned advocate for the petitioners and learned APP for the State. Perused the case papers provided by the learned APP Shri Mankad. Parties do not press for reasoned order.

3. Learned advocate for the petitioners do not press this petition for petitioner No. 1. Hence, this petition is rejected as regards petitioner No. 1. Considering submissions made on behalf of the parties, and having regard to the facts and circumstances of the case, petitioner No. 2 deserves to be released on bail. Accordingly, petitioner No. 2 - Madhabhai Bijalbhai Harijan is ordered to be released on bail in connection with C.R I-079/98 registered before Bhayavadhar Police Station, on his executing bond of Rs. 5,000/- (Rupees Five Thousand only) with one surety of the like amount to the satisfaction of the lower Court, and subject to the condition that he shall;

- (a) not take undue advantage of his liberty or abuse his liberty;
- (b) not act in a manner injurious to the interest of the prosecution;
- (c) maintain law and order;
- (d) furnish the address of his residence at the time of execution of the bond and shall not change the residence without prior permission of this Court;

4. If breach of any of the above conditions is committed, the Sessions Judge at Rajkot will be free to issue warrant or take appropriate action in the matter.

5. Bail before the lower Court having jurisdiction to try the case.

6. Rule is made absolute qua petitioner No. 2. Petition stands rejected in respect of petitioner No. 1. Direct service permitted.

Prakash*